

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT

_____, ss.

_____ COUNTY DIVISION
Docket No.

_____)	
Petitioner)	
)	
v.)	APPLICATION FOR DISCHARGE
)	PURSUANT TO G.L. c. 123, § 9(b)
_____ State Hospital,)	
Respondent)	
)	

_____, PETITIONER, a patient of the Bridgewater State Hospital, hereby asserts:

1. That he is confined at said hospital for a period not to exceed twelve (12) months, pursuant to G.L. c. 123, § 8, by order of the Brockton District Court, dated on or about December 6, 2000.
2. That his continued confinement is improper, unnecessary and clinically inappropriate.
3. That he is not mentally ill, as defined at 104 CMR §27.05(1).
4. That his discharge will not create a likelihood of serious harm by reason of mental illness, as defined at G.L. c. 123, § 1.
5. That there exists a setting less restrictive of his liberty at which he could be appropriately and safely treated. *See Commonwealth v. Nassar*, 380 Mass. 908 (1980).
6. That, in the alternative, he is a proper subject for commitment to a facility of the Department of Mental Health in that he is not in need of the strict custody of the Bridgewater State Hospital. G.L. c. 123, § 8(b).

7. That he is indigent pursuant to Rule 3:10, §1(f)(iii) of the Rules of the Supreme Judicial Court, as affirmed in his Affidavit of Indigency filed herewith.

Wherefor, PETITIONER hereby petitions this Court, pursuant to G.L. c. 123, § 9(b), as follows:

1. That said order of commitment be vacated and that PETITIONER be discharged from said hospital forthwith.
2. That this Application for Discharge be marked for hearing forthwith.
3. That a writ of habeas corpus be issued and that PETITIONER be brought to said hearing pursuant thereto.

The following person is interested in this action:

Superintendent,
Bridgewater State Hospital
20 Administration Road
Bridgewater, MA 02324

(date)

Respectfully submitted,
_____, Petitioner
By his attorney,
